

### Remarks

Claims 1, 7 and 15 are amended herein. Claims 1-23 remain pending in the Application.

### Rejection under 102(e)

#### Claims 1-23

In the Office Action, the Examiner rejected Claims 1-23 under 35 USC 102(e) as being anticipated by Spitzer (USAPP20010054066). Applicant has reviewed Spitzer and respectfully states that Spitzer does not anticipate the present invention for the following rationale.

Applicant respectfully states that Claim 1 includes the features “a virtual beacon comprising an electronic file containing positional data and a web address related to a physical location having a web page; and wherein the virtual beacon is not a physical object.” Moreover, Claim 7 includes the features “a virtual link creator that creates a virtual beacon comprising an electronic file that contains positional data and a web address related to a physical location having a web page; such that the web address of the physical location having the web page is virtually posted at the physical location having the web page via the virtual beacon without employing a physical object to host the web address.” In addition, Claim 15 includes the features “a virtual beacon comprising an electronic file that contains positional data and a web address related to a physical location having a web page associated therewith; and a receiver system having position data capabilities related to a current physical location of said receiver system, said receiver system capable of communicating with the server system and external Internet, said receiver system providing the position data to said server system and receiving the virtual beacon comprising the electronic file from the server system, said server system monitoring the position data from said receiver system and providing a virtual beacon comprising the electronic file and the web address when the receiver system is near the physical location such that the web address of the web page is virtually posted at the physical location

without employing a physical object to host the web address at the physical location.” Support for the Claimed features can be found throughout the Specification including paragraphs 42, 53, 57 and 60-65.

Applicant respectfully disagrees that Spitzer anticipates the features of Claims 1, 7 and 15. The Examiner has stated that Spitzer’s transceiver is a virtual beacon. However, Applicant understands Spitzer to teach his transceiver to be an actual object. That is, Applicant understands Spitzer to teach the transceiver to be an infrared transceiver, that the user holds a hand-held device within range of the transceiver, and that the transceiver is powered through an electrical connection provided at the kiosk. Therefore, Applicant does not understand Spitzer to teach a virtual transceiver as the Examiner has stated, but instead Applicant understands Spitzer to teach an actual transceiver with a range and a need for a power supply.

Applicant respectfully points out that the difference between the actual “physical” transceiver and the virtual transceiver are clearly defined in the specification including paragraph 0031. Additionally, the problems of a physical transceiver requiring power and having a limited range are clearly discussed in the background section as motivation for the invention including paragraphs 08-10.

Therefore, Applicant respectfully submits that Spitzer does not anticipate the present claimed invention as recited in Claims 1, 7 and 15, and as such, Claims 1, 7 and 15 are in condition for allowance. Accordingly, Applicant also respectfully submits that Spitzer does not anticipate the present claimed invention as recited in Claims 2-6 which are dependent on an allowable Independent Claim 1, Claims 8-14 which are dependent on an allowable Independent Claim 7 and Claims 16-23 which are dependent on an allowable Independent Claim 15 and that Claims 2-6, 8-14 and 16-23 recite further features of the present claimed invention. Therefore, Applicant respectfully states that

Claims 2-6, 8-14 and 16-23 are allowable as pending from allowable base Claims.

Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-23.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,  
Wagner, Murabito & Hao LLP

Date: \_\_\_\_\_

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